

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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HODELL-NATCO INDUSTRIES, INC.,

Plaintiff,

-vs-

SAP AMERICA, INC., et al.,

Defendants.

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: CASE NO. 1:08 CV 02755

: ORDER

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Pursuant to Fed. R. Civ. P. 16, this Court may sanction a party who fails to comply with a Court order. Fed. R. Civ. P. 16(f)(1)(C). Available sanctions include the entry of default against the disobedient party. Id. For the reasons that follow, the Court enters default against defendants LSI-Lowery Systems, Inc. ("LSI") and The IBIS Group Inc. ("IBIS") pursuant to Fed. R. Civ. P. 55(a).


On 11 July 2014, attorneys Roy A. Hulme and Raphael McLaughlin sought leave to withdraw as counsel for defendants LSI and IBIS. (Doc. 196). On 12 August 2014, the Court granted counsel leave to withdraw. (Doc. 207). LSI and IBIS were ordered to obtain, and make an appearance through, new counsel on or before 12 September

2014. (Doc. 207). LSI and IBIS were advised that failure to comply could result in entry of default judgment and dismissal of their cross- and counter-claims. LSI and IBIS did not comply with the Court's order, and, to date, these defendants remain unrepresented.

On 1 May 2014, the Court issued an order setting a trial date of 17 November 2014 and a final pretrial date of 14 October 2014. (Doc. 193). The Court's order further set forth numerous deadlines for the filing of a joint trial brief, witness and exhibit lists, and proposed jury instructions, among other things. LSI and IBIS made none of the required submissions, met none of the deadlines as stated in the Court's order, and failed to appear for the October final pretrial conference. This matter is presently set for trial to commence 23 February 2015.

Defendants LSI and IBIS have demonstrated a clear record of willful disobedience of the Court's orders. The defendants have been previously warned that a failure to comply could lead to entry of default, and neither defendant has demonstrated an intent to defend itself in this matter. Therefore, the Court enters default against LSI and IBIS pursuant to Fed. R. Civ. P. 55(a). LSI and IBIS's cross- and counter-claims are dismissed with prejudice.

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE

Date: February 12 2015